

REMARKS

This is intended as a full and complete Response to the Office Action dated October 28, 2003, having a shortened statutory period for response extended two months to expire on March 28, 2004. Claims 1, 8, 11-16, 18-22, 28-34, 36 and 37 remain pending in the application and stand rejected by the Examiner. Applicants have amended claim 30 for reasons discussed below and have added new claims 38-49 to more clearly recite aspects of the invention. Please reconsider the claims pending in the application for reasons discussed below.

Claims 30-34 and 36-37 stand rejected under 35 U.S.C. § 112, second paragraph. Applicants have amended claim 30 as shown herein to clarify an implicit aspect of the invention. In particular, the Applicants have amended claim 30 to more appropriately recite "access ports" instead of "processing positions." It is understood that a transfer chamber has access ports that are in communication with processing positions that are disposed about the transfer chamber. Thus, this amendment clarifies an implicit aspect of the invention and obviates this rejection. As such, this amendment is not in response to the cited prior art or directed to the patentability of the invention. Further, this proposed amendment is not intended to narrow the claims or otherwise limit the scope of equivalents thereof. Withdrawal of the rejection is respectfully requested.

Claims 1, 8, 11-16, 18-19 and 28-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Mooring et al.* (WO 99/03133) in view of *Rubin et al.* (U.S. Patent 4,852,516). Claims 20, 30-34 and 36-37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Mooring et al.* in view of *Rubin et al.* as applied to claims 1, 8, 11-16, 18-19, and 28-29, and further in view of *Lane et al.* (EP 0,843,340 A2). Claims 21-22 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Mooring et al.* in view of *Rubin et al.* and *Lane et al.*, as applied to claims 20, 30-34 and 36-37 above, and further in view of *Richards* (U.S. Patent 4,584, 045).

In each of the rejections listed above, the Examiner's common ground for rejection is the same. Namely, the Examiner states that it would have been obvious "to modify the apparatus of *Mooring et al.* so as to include a chamber tray having a plurality

of facility connections which are in fluid communication with the facility connections of the plumbing tray because this will enable each chamber unit to function as a stand alone unit."

Applicants respectfully traverse the rejections on grounds that the Examiner has not established a *prima facie* case of obviousness. To establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. See *In re Rejka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Further, the teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, not in the applicants' disclosure. See M.P.E.P. § 2143, citing *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991). Still further, the examiner must *particularly* identify any suggestion, teaching or motivation from *within* the references to combine the references (emphasis added). See *In Re Dembiczak*, 50 USPC(2)d 1614 (Fed. Cir. 1999).

Furthermore, the Examiner is kindly reminded that the mere recitation of a combination of references does not amount to particularly identifying a suggestion, teaching, or a motivation to combine the references. As mentioned above, the Examiner simply states that the claimed invention would have been obvious because the modification suggested by the Examiner, not the prior art itself, "will enable each chamber unit to function as a stand alone unit." In fact, the Examiner's recitation amounts to nothing more than a legal conclusion offered in substitute of a motivation or suggestion from within the references themselves which is required under 35 U.S.C. §103.

Insofar as the record shows, the Examiner has concluded that the claimed invention is obvious based on her review of the Applicants' disclosure because the Examiner has failed to cite to any prior art that would suggest the claimed invention without knowledge gleaned only from the Applicants' own disclosure. Accordingly, the obviousness rejection is improper and withdrawal of the rejection and allowance of the claims is respectfully requested.

In conclusion, the references cited, neither alone nor in combination, teach, show, or suggest a plumbing tray having facility connections for each process chamber and each load lock chamber; and a chamber tray disposed adjacent each process

chamber, each load lock chamber and the transfer chamber, the chamber trays each having a plurality of facility connections which are in fluid communication with the facility connections of the plumbing tray, as recited in the base claims and those dependent therefrom, including new claims 38-49 which depend from one of the base claims. Having addressed all issues set out in the Office Action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



Robb D. Edmonds
Robb D. Edmonds
Registration No. 46,681
MOSER, PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicant(s)